UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.32
3 February 1995

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

MONGOLIA

[20 December 1994]

CONTENTS

	Paragraphs	Page
INTRODUCTION	1 - 19	4
A. The country	1 - 6	4
B. The political and socio-economic situation	7 - 15	4
C. Traditional Mongolian methods of bringing up children	16 - 19	6
I. BASIC MEASURES TAKEN TO IMPLEMENT THE CONVENTION ON THE RIGHTS OF THE CHILD	20 - 61	7
A. State policy and measures taken to implement the Convention	20 - 39	7
B. The rights of the child reflected in national laws	40 - 48	12
C. Existing mechanisms to implement the State policy on children	49 - 53	13
D. Activities to make the Convention widely known	54 - 61	14

GE.95-15307 (E)

CONTENTS (continued)

		Paragraphs	Page
II.	DEFINITION OF THE CHILD	62 - 63	16
III.	GENERAL PRINCIPLES	64 - 83	17
	A. Non-discrimination (art. 2)	64 - 68	17
	B. Best interests of the child (art. 3)	69 - 70	18
	C. Right to life, survival and development (art. 6)	71 - 77	18
	D. Respect for the views of the child (art. 12)	78 - 83	20
IV.	CIVIL RIGHTS AND FREEDOMS	84 - 108	21
	A. Name and nationality (art. 7)	84 - 87	21
	B. Preservation of identity (art. 8)	88 - 91	22
	C. Freedom of expression (art. 13)	92 - 98	23
	D. Freedom of association and peaceful assembly (art. 15)	99 - 102	24
	E. Protection of privacy (art. 16)	103 - 104	25
	F. The right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment (art. 37)	105 - 108	26
V.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	109 - 146	26
	A. Parental responsibilities (art. 18)	109 - 114	26
	B. Separation from parents (art. 9)	115 - 127	28
	C. Children deprived of a family environment (art. 20)	128 - 134	31
	D. Adoption (art. 21)	135 - 139	32
	E. Illicit transfer and non-return (art. 11)	140 - 142	33
	F. Abuse and neglect (art. 19) including physical and psychological recovery and social reintegration (art. 39)	143 - 146	34
VI.	BASIC HEALTH AND WELFARE	147 - 185	34
	A. Disabled children (art. 23)	147 - 155	34
	B. Health and health services (art. 24)	156 - 177	36
	C. Social security and child-care services and facilities (arts. 26, 18)	178 - 186	40
VII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES	187 - 207	42
	A. Education (art. 28)	187 - 197	42
	B. Leisure, recreation and cultural activities (art. 31)	198 - 201	44
	C. Aims of education (art. 29)	202 - 207	45

CONTENTS (continued)

		Paragraphs	Page
VIII.	SPECIAL PROTECTION MEASURES	208 - 226	46
	A. Children in situations of emergency (arts. 22, 38)	208 - 210	46
	B. Children in conflict with the law (art. 40) . .	211 - 218	47
	C. Exploited children (art. 32)	219 - 226	48
IX.	CONCLUSION	227 - 237	49

Introduction

A. The country

1. Mongolia is located in north central Asia. It has a total area of 1,566,500 sq. km. It has three main physiographic regions: forested mountains in the north and west, the Gobi desert in the south, and a vast midsection of long and short grass steppes with an average elevation of 1,580 metres.

2. The population of Mongolia is 2.2 million, with 47 per cent of the population under the of 18. Children constitute about 47.6 per cent of the urban population and 51.8 per cent of the rural population. Over 52 per cent of the population live in urban areas, and almost one third of the population is concentrated in the cities of Ulaanbaatar, Darkhan, Erdenet and Choir. The rest of the population live in the countryside. Some of the cattle-breeders raise their livestock in the countryside during the summer season and come down to the centres during the wintertime.

3. The annual growth rate of the population was about 2.5 per cent until the 1990s, but during the last four years it has declined and reached 1.8 per cent in 1993. Decline in the growth rate is linked to the increasing number of abortions and the reluctance of people to have children, both of which are influenced by factors such as socio-economic difficulties, shortage of food and the increase of the living costs facing Mongolia during the transition from a centrally planned economy to market economy relations.

4. The State guideline on population policy which was adopted by the Decree of the President of Mongolia in 1993 states that the annual population growth rate should not be less than 2 per cent. The present State policy on population and the high percentage of children, as well as the increasing number of child-bearing-age women in Mongolia, contribute to the growth of the population.

5. Mongolia has a hyper-continental climate, with extremes of temperature not just by season but by day, with low precipitation. In most areas the annual average temperature is 0° Celsius. The cold dry weather and sustained winds are the main reason for the acute respiratory infections of children.

6. Livestock is the core of Mongolia's economy. Numbering 25 million head, livestock outnumber people by 10 times.

B. The political and socio-economic situation

7. Mongolia has been undergoing deep political and socio-economic reform since 1990 in opting for a market economy. In January 1993 a new Constitution was adopted. It provides for a democratic parliamentary system of government, civil liberties and other rights. The right to a safe environment, health and medical care and education are legally guaranteed. A multi-party democratic system was created.

8. At present, like the other countries conducting political and socio-economic reforms, Mongolia is facing tremendous difficulties during the transitional period, especially in its economy. Some examples illustrating the economic crisis in Mongolia during the last three years are: high inflation rate (from January 1991 to August 1993, food-stuff prices increased by 1,976 per cent and the total price increase during the same period was 1,554 per cent), the number of unemployed among able-bodied people has increased by 16 per cent and per capita GNP has decreased by 25 per cent. With the rapid increase in unemployment and price hikes, there is a sharp decline in the real income of the population and the number of poor people is increasing. According to the statistics published by the Ministry of Population Policy and Labour, about 28.4 per cent of the Mongolian population lives below the lowest level of the living standard today. Therefore, there is a need to bring about fundamental changes in the social service field consistent with a market economy system.

9. Nevertheless, the Government of Mongolia is determined to pursue the economic reforms to establish, within the shortest time possible, a strong market-oriented economic infrastructure that will remove heavy dependency on international and bilateral foreign assistance.

10. The first results of privatization of the economy, carried out on the basis of the distribution of vouchers to every Mongolian family, are there. During the period of two years, about one fifth of the State property has been privatized. Thus, the major privatization is almost completed. Considerable change has taken shape in the economic structure of the country and the role, as well as weight, of the private sector is increasing. More than 90 per cent of the livestock has been privatized and almost 50 per cent of the production belongs to private or privatized enterprises. About 80 to 90 per cent of the work carried out in the fields of commerce, food, public service and construction belongs to private sector entities.

11. Meanwhile, the privatization process has had some negative impact on children. With the privatization of the livestock, many of the cattle-breeders' children have left their schooling to help their parents. Also, the number of buildings designed for the children's activities and children's cinema houses were privatized and started to function for different purposes.

12. During this period, prices were deregulated and the Government introduced the floating currency rate in 1993, which has resulted in arresting the increase of the exchange rate. As a result of these adjustments, there is a positive tendency for the stabilization of tariffs and prices. But, the lives of those who work in Government-budgeted organizations, those who live on pensions/allowances and the families with low incomes and with many children remain hard. Since the Government does not have additional resources to increase their income and wages, it takes measures to involve these people in small-scale industries and some businesses. This policy designed to develop its citizenry has become the core of the State social policy under the market economy system.

13. Before 1990, all different types of pensions, allowances for disabled people, for post-natal benefits and many others connected with children, were distributed to those entitled people on an equal footing. But since 1990, the Government has created a new social safety net meeting the requirements of the socio-economic changes and has taken several measures to ensure social guarantees for the vulnerable sectors of the society. Changes were brought into the centralized methods of the social security net and the social security fund was separated from the State budget and principles of self-reliance in local administration were introduced. The priority task is to change the existing social guarantee system of equal benefits and establish a targeted system for the old, disabled and poor.

14. Under the circumstances of increasing unemployment, it is becoming imperative to create some resources to fund the allowances for unemployed people and to cover them in social safety nets.

15. Government expenditure on health, education and other social insurances has decreased sharply during the last three years. It has had a negative impact on the situation of children and women which can be identified by two main groups. Thus:

(a) As a result of the sharp decline in the family's real income, the supply and quality of food has become worse and families face shortages of essential consumer goods and clothing for their children because of price increases. Especially, this has affected the lives of the children whose parents are often drunk or the children belonging to single-parent families;

(b) The existing poor quality of services in health, education and other social fields has had a negative impact, especially on poor families and the vulnerable sectors of the society.

C. Traditional Mongolian methods of bringing up children

16. The traditional Mongolian methods used to bring up children are closely linked with the parents' experiences of a nomadic way of life. The gist of their experience is to teach their children practical labour and to bring up industrious citizens. The traditional methods of Mongolians are a combination of the tradition of living in cooperation with their neighbours under severe climatic conditions, looking after their livestock and following the nomadic way of life, with is intellectual and cultural values. To educate children in the spirit of labour, Mongolians used to have different types of work well suited to different age groups.

17. Mongolians have inherited the wisdom of their ancestors to bring up their children. One of the methods they use is Mongolian traditional games. These games become the main instruments to educate pre-school children. Also, popular folk tales and literature play an important role in the education of children. Mongolian folk tales are the creations of national classical literature and an important instrument of education in traditional customs and values. Our old generation never considered the national folk tales just as the means of their enjoyment. Children were exposed to national folk tales

from early childhood and, thus learned the wisdom of life. Mongolian national folk tales are rich in patters, tongue-twisters, puzzles which help the children to develop their mental as well as physical ability.

18. Mongolians favour the introduction of the methods of other nations to bring up and educate their children in order to enrich their knowledge in this field. With the process of development of the country and the emerging new way of life, it is imperative for us to be more exposed to world civilization. Therefore, Mongolia's State policy towards the young generation has been focused on the creation of conditions which will enable our children to get acquainted with mankind's civilization and its cultural values, while the fundamental education in Mongolian philosophy and its unique way of thinking, the national script and language, its culture and its traditions are well taught.

19. Within the framework of the State policy, the Ministry of Science and Education, the Ministry of Health, the Ministry of Culture, the Mongolian National Centre for Children, the Mongolian Women's Federation and the Mongolian Democratic Association jointly formulated in 1992 projects on "Heritage", "Life wisdom, family, school" to use in their activities to educate children.

I. BASIC MEASURES TAKEN TO IMPLEMENT THE CONVENTION ON THE RIGHTS OF THE CHILD

A. State policy and measures taken to implement the Convention

20. Mongolia officially joined the Convention on the Rights of the Child on 24 May 1994 by the President's Decree 126. Since that time, the issues related to the interests and future of the country's children have taken tangible shape in State and government policy and have been reflected in newly adopted laws and regulations in order to facilitate the implementation of the provisions of the Convention at the national level.

21. All the social relations concerning children's issues, recognized in the basic 41 principles and demands of the Convention on the Rights of the Child, are being regulated in Mongolia in accordance with two main legal procedures:

(a) Provisions of the Convention on the Rights of the Child will be regulated in accordance with article 10, paragraph 3, of the Constitution of Mongolia;

(b) Provisions of the Convention which have been reflected in the national laws and regulations and have been regulated in accordance with them.

As for the first, the implementation of the provisions of the Convention on the Rights of the Child does not enjoy the full understanding of all the members of the society and the State, as well as of public organizations. With regard to the provisions promulgated in accordance with the second procedure, not all the provisions have been fully and rightly reflected. Because of these constraints, the number of cases of the violation of the rights of the child is tending is tending to increase. Therefore, considering the present situation in Mongolia and the unsatisfactory reflection of the

provisions of the Convention in the national laws, we deem it necessary to formulate a comprehensive law on the protection of the rights of the child and the implementation of the Convention on the Rights of the Child. On the basis of this assumption, the draft law has been presented to the State Great Khural.

22. The following are the basic documents and laws formulated by the State and the Government in regard to children.

State Concept on Children and Youth

23. This Concept has been adopted by the President's Decree 119, dated 27 June 1991. The document states that the State policy towards children and youth will concentrate on the development of a healthy and well-educated young generation with the earnest desire of developing their motherland in the spirit of national unity and humane living and to impart Mongol traditions and values to children and to create an environment favourable for conducting an independent life and to lay down social, economic, political and legal guarantees for the children to enter the twenty-first century together with world civilization. The content of this Concept is human-oriented and the goals set forth in regard to the development of the individuals will be implemented in close linkage with the process of social and political democratization.

Constitution of Mongolia

24. The new Constitution adopted on 13 January 1991 has the advantage of upholding human rights compared with the previous ones. The fundamental rights of the child enshrined in the Convention on the Rights of the Child have been fully reflected in Chapter 2 of the Constitution, which deals with "Human rights and freedoms". It is said in paragraph 11 of article 16 of Chapter 2 that "the State shall protect the interests of the family, motherhood and the child". Also, in paragraph 2 of article 17 it says that "it is a sacred duty for every citizen to work, protect his/her health, bring up and educate his/her children ...". In article 10 of the Constitution it is said that "the international treaties to which Mongolia is a part shall come into effect as domestic legislation upon the entry into force of the laws on the ratification or accession". Therefore, the Convention on the Rights of the Child will be in force in Mongolia like other national laws. All these provisions of the Constitution provide legal grounds for the reflection of the provision of the Convention on the Rights of the Child in the national laws and regulations and for the formulation of new legislation and amendments.

National Programme of Action for the Development of Children in the 1990s

25. "The Government will take concrete steps to carry out the human-oriented project and the national programme for implementing the World Declaration on Survival, Protection and Development of Children." The National Programme of Action for the Development of Children in the 1990s has been jointly formulated by the concerned ministries and was approved by a government resolution on 27 May 1993. The implementation of the Programme is in

process. Within the framework of the National Programme, 12 projects related to children's health, education and social aspects are under way, in cooperation with UNICEF.

26. The Programme contains goals concerning the expansion of social care for the elderly, poor and handicapped people and orphans. At present, there are 287 children at the central orphanage and annually the Government spends 60 million tugrigs for orphans from the State budget; 125.5 million tugrigs were provided from the budget to the Assistance Fund for children's clothing and 55.7 million tugrigs were spent from the fund to buy clothing for 176,004 children from poor families, orphans and handicapped and mentally retarded children. A "Child-care Fund" has been established in almost all provinces with the assistance of the community which has a major impact on the drawing of public attention towards assisting orphans.

27. The Programme also contains goals dealing with the Government providing discounts to the children from large and low-income families to buy school textbooks and stationery and to pay for kindergartens and summer camps. In 1993, the Government provided 75 million tugrigs to International Children's summer camp, 60.6 million tugrigs to 22 summer camps in 18 aimags and Darkhan and Erdenet cities, 47.1 million tugrigs to 13 summer camps in Ulaanbaatar city and 10.7 million tugrigs to 3 summer camps belonging to ministries. A total of 193.4 million tugrigs were spent from the State budget in 1993 for children's summer camps. The Government is taking care of 50 per cent of the payment for the food of the kindergarten children and a total of 2,116.3 million tugrigs were spent for this purpose in 1993.

28. UNICEF has been cooperating with Mongolia since 1965 and during this period it has provided more than 1 million United States dollars in assistance to Mongolia. The new programme of cooperation covering the period up to 31 January 1996 was concluded. This programme is designed to facilitate the implementation of the mid-decade goals of the National Programme of Action.

29. Within the framework of the programme, 12 projects will be implemented. Four of these projects deal with children's health, three with nutrition, two with basic education, two with children in especially difficult circumstances and one with the National Programme of Action and the Convention on the Rights of the Child. Before the conclusion of the new programme, UNICEF assistance fund was used mainly to finance projects in health and nutrition of children.

30. Four of the seven major goals reflected in the NPA are dedicated to children's health. The following is a brief report on the process of their implementation:

(a) Reduction of the infant mortality rate (IMR). In 1992, the IMR was 62 per 1,000 live births. The goal for 1995 is 59, and for 2000, 49. In the same year the under-five mortality rate (U5 MR) was 82; the goal for 1995 is 73 and for 2000, 61. In 1993 the IMR per 1,000 live births was 57.4 and the U5 MR was 82.7. That means there was a reduction of IMR by 2.1 cases from the previous year, but the U5 MR increased by 2.7 cases. The IMR per 1,000 live births has decreased by 4.6 cases against the baseline (1991) rate reflected in the NPA and the goal for 1995 has been over-achieved by 1.6 cases. But the U5 MR has increased by 0.7 cases against the baseline rate. In other words,

the U5 MR in 1991 per 1,000 live births was 82, then in 1993 it increased to 82.7. The predominant causes of this are the increasing number of gastrointestinal diseases, acute respiratory and other infectious diseases. The main factors contributing to this are the unsatisfactory sanitation environment, lack of services, unsafe drinking water and the mothers' health condition, as well as the present shortage of food availability and the poor living standard of families and many others;

(b) Maternal health. As a result of ongoing projects in the field of maternal health care, more than 90 per cent of the mothers have been covered by post-natal care and about 95 per cent of the mothers, pregnant women and infants have been covered by immunization. Still, the maternal death rate remains high, with an increase of 30 per 100,000 live births;

(c) Food and nutrition. According to the survey conducted in nine aimags and cities, there is evidence for the achievement of the goals on child nutrition. In other words, the percentage of malnutrition among children under five years old has declined from 13 to 11.5 in these areas. Within the framework of the four projects which have been put into operation, several measures to conduct surveys, to carry out training and education and to supply equipment are being planned. So far, there has not been any money spent from the State budget for the implementation of the NPA.

Decentralization

31. Mongolia is conducting a policy of decentralization with regard to the implementation of the NPA. For this purpose, measures are taken in two main directions:

(a) Each aimag and city will formulate and implement its independent programme;

(b) There will be target-oriented programmes on children in limited areas.

At present, all aimags and cities have set up their working committees and 14 aimags and cities have already formulated their programme.

32. On the basis of the economic zoning, aimags and cities have been divided into five regions for the implementation of the NPA. This organizational measure will provide an opportunity to aimags and cities sharing similar customs and climatic and economic conditions to cooperate by concentrating their resources for the common interests of the regional children.

33. Eight national, regional and local seminars and courses on the decentralization of the National Programme of Action have been conducted.

34. Financing of the implementation of the local programme is becoming a problem. There is a general understanding that the present NPA worked out jointly by the Government of Mongolia and UNICEF will be implemented through

the direct and sole financing from UNICEF. In this connection, there is a need to bring some adjustments as to the expenditure of the project resources and decentralization strategy.

35. Many of the goals set forth by the programme are going to be left without any caretakers because of the absence of financial resources. For example, since there is no UNICEF planned financial resource until the year 1997, the sanitation and water supply issues have not been reflected in the programme. On the other hand, this is also connected to the absence of any national organization responsible for that.

36. Meanwhile, the drinking water problem is acute in the eastern and southern parts of Mongolia. At present, in some parts of the eastern region on average there is only 8 litres of drinking water per person per day. But the quality of the water does not meet the sanitation requirements. In Sukhbaatar aimag, the drinking water is taken from a 200-metre-deep well. They lack the facilities to drill deeper than that.

37. It has been confirmed that there exists a possibility of the spread of different types of diseases among the children because of the consumption of unsafe water. But there does not exist any scientific assessment based on research.

38. Considering the prevailing situation, in the NPA it was said that the governors of the local administration would take care of them. Accordingly, independent programmes and projects were worked out. But there is very little hope for their successful implementation because of the inadequate financial and technical resources.

39. The following tasks remain to be accomplished to implement the NPA:

(a) The main policy for the implementation of the NPA is based on decentralization, considering the specific features of the local places through concrete projects and programmes. For this purpose, all aimags will be divided into regional zones considering their economic potentials and the situation of children. In each region there will be a consulting group consisting of the sectoral representatives. Professional cadres to conduct the implementation of the Programme at aimag, local and national levels will be trained. In this connection, intensified activities will be carried out to provide methodological assistance in the formulation and the implementation of the local programme;

(b) To introduce proper indicators to monitor the implementation of the NPA at aimag and local level before 1 December 1994 and to review its implementation annually on the basis of the information collected from all aimags and cities;

(c) To facilitate the adoption of the government resolution on the guaranteed allocation of funds to finance the implementation of the NPA in the annual State budget, jointly with the Ministry of Finance and the National Development Board;

(d) To intensify the activities of the intersectoral working committee and to create a mechanism to mobilize mass efforts towards the welfare of children. There is a need to establish a national committee responsible for the protection and welfare of the children in order to facilitate greater involvement and assistance of the NGOs and private sector to this end;

(e) To pay special attention to the cost-effective expenditure of the resources provided by UNICEF for the implementation of the NPA in line with the national interest and for the best interests of children. For this purpose, seminars will be conducted for the UNICEF-funded project manager in order to provide better coordination of their activities

(f) To organize working consultative meetings with the international organizations, donor countries and charity agencies engaged in the implementation of the projects on the basis of the agreements concluded with the Government, in order to coordinate their activities with the activities designed for the welfare of the children and to cooperate with them.

B. The rights of the child reflected in national laws

40. The Law on Health Insurance (passed by the State Great Khural in 1993) obliges every child under 16 years of age (18 for secondary school pupils) to be covered by the health insurance and the State to pay the insurance fee.

41. The Education Law (passed on 16 July 1991) obliges every citizen to get a basic education pending 17 years of age and the State to pay for the education. It furthermore elaborates on dormitories and yearly round-trip costs between home and school for children living far from the schools to be provided by the State.

42. The Labour Code (passed on 14 February 1991) provides the list of prohibited child labour and establishes the minimum age of employment, labour conditions, remuneration, working hours and preferential terms of employment and vocations for children. Fifteen years of age is set as the minimum age of employment and employed children are subjected to regular medical examination.

43. The Pension Law (passed on 10 December 1990) provides that both semi- and full orphans are entitled to pension for loss of the bread-winner. The size of that pension shall depend on employment remuneration and tenure of the deceased and reasons of death; the minimum size is fixed by the law.

44. The Allowances Law (passed on 23 April 1991) categorizes the allowances for the different categories of children (infants, large families, twins, etc.) and establishes the size of each category.

45. The Civil Code (adopted in 1963) recognizes the limited legal competence of children and follow-ups thereof. It says that children shall be represented in the civil process by their parents.

46. The Criminal Code (passed in May 1986) makes children above 14 eligible before law for felonies but exempts them from capital punishment until the age of 18. The Code classifies violations of the rights of a child as crimes and provides criminal sanctions against the offenders. For instance, provocation

of children to crime, pornography, drugs, avoidance of payment of alimony, intentional removal or kidnapping of children, leaving children in danger, systematic beating and inflicting of physical pain on children constitute crimes under the Code.

47. The Family Code (passed on 13 July 1973) sets the minimum marriage age at 18. Parents are obliged to bring up their children to be healthy, hard-working, honest and educated. The Code states that the parents' duty is to protect the best interests of their children. It also contemplates the rules for substitution of parents and adoption of children. (Adoption by foreigners is not included in detail.)

48. The Code of Criminal Procedure (March 1994) provides some protection to children in connection with their legal competence. No one can question or bring before the court a child alone. A child should be accompanied by either a lawyer, or teacher, or parents, or legal representative at any stage of the investigation. Pre-trial investigation of cases where a child is involved should be conducted in a shortened span of time.

C. Existing mechanisms to implement the State policy on children

49. The Standing Committee of the State Great Khural on population, health, labour and social issues plays a main role in defining a policy on population and formulating legislation on social security and monitoring their implementation. At present, the Committee is working on the draft of the Law of Mongolia on the Protection of the Rights of the Child.

50. The Ministry of Population Policy and Labour was established in August 1992. This Ministry is responsible for the formulation and the implementation of the policy on population.

51. The National Centre for Children (NCC) was established in May of 1991 by Government Resolution 151 with the responsibility of organizing and coordinating, in collaboration with the other organizations, the activities designed to formulate State policy guidelines on children and implementation of them. Since February 1993 the NCC has been engaged in the following activities:

(a) To take care of the children who need social protection and to organize activities to help these children;

(b) To formulate suggestions on the improvement of the existing national legislation on the protection of the rights of the child and to conduct evaluation research studies;

(c) To cooperate with UNICEF and other international, regional and national organizations on the issues concerning the protection of the rights of the child;

(d) To settle the issues raised in connection with the rights of the child;

(e) To develop children in accordance with their talents and interests and to organize activities for the children to use their free time fruitfully;

(f) To provide all-round incentives and support to the public, organizations and community initiatives;

(g) To facilitate conditions for the children to spend their vacations and to develop tourism, information and communication for the children.

52. The NCC has 14 staff members at its headquarters. Children's centres function in aimags and cities with three to five staff members. An instructor in charge of children's issues is working in each somon, district and region. The NCC also has its affiliated organizations responsible for activities directed towards child development and the spending of their free time fruitfully, such as the International Children's Camp, Mongolian Children's Palace, Mongolian Children's Creative Centre, Council for Children's Press, Children's Tourist Club "Zalgamjlagch", Children's Cultural and Sports Centre "Solongo", "Esun Erdene" Centre and several summer camps.

53. The NCC and its local branches are financed by the State or the local administration budget.

D. Activities to make the Convention widely known

54. As soon as Mongolia joined the Convention on the Rights of the Child in 1991 the text of the Convention in the Mongolian language was published in the leading national newspapers for the general mass audience.

55. Since that time the Convention on the Rights of the Child has become the reference material for those who are engaged in children's affairs and all their activities are directed towards the implementation of every provision of the Convention.

56. Mass media, such as radio, TV and press, widely carry programmes to explain the principles and provisions of the Convention and the implementation of the freedom and rights of Mongolian children, and bring to the awareness of the community the difficulties occurring in Mongolia in the process of the implementation of these rights and their solution and the incidents violating children's rights. Mongolian radio and TV broadcast special programmes dedicated to the problems facing the children of Mongolia today. The programmes also include the cases violating children's rights.

57. The following difficulties and shortcomings have been identified:

(a) Although radio and TV and other mass media carry special programmes on the Convention on the Rights of the Child, there is no training on specially prepared material in the school programme;

(b) The Convention has been brought to the mass audience in general, or just to make the public aware of the rights of the child, but there does not exist any mechanism to organize the implementation of the Convention and to provide a methodological approach to conducting the surveys on the process of its implementation;

(c) Lately it is becoming clear that there is a growing need to carry out special activities designed to explain the principles and provisions of the Convention in detail to parents and the leadership of the administrative units.

58. Therefore, the priority tasks within the framework of the explanation of the Convention are:

(a) To formulate special programmes on every aspect of the Convention and conduct training for the people assigned to carry out the implementation. For example, to organize training on the protection of the rights of children involved in crime and in detention houses, abandoned children, to the officials in police, court and detention houses;

(b) To create mechanisms at the national level in order to set up criteria for the evaluation of the implementation of the Convention.

59. The following activities have been undertaken to mobilize the public for the implementation of the Convention.

60. The establishment of the National Centre for Children with responsibilities for the formulation of the State policy on children and its implementation and the coordination of the activities in this direction has improved the involvement of the community in the implementation of the Convention on the Rights of the Child and solution of the social problems in the children's interests. Every year, the NCC calls upon all citizens and organizations of Mongolia to devote all their possible resources to children and on the eve of 1 June the "International Day for the Protection of the Children" brings out the results of the activities carried out during this period. As a result of this activity, there are 1,090 organizations and individuals which have become the supporting sponsors of the Children's Centre and its branches in 1993. Every aimag and city has a charity fund which provides assistance to orphans and children from poor families and those who need social protection.

61. Also, government organizations have taken measures to provide some discounts and assistance to the children within their sectors. Thus:

(a) The General Board of Transportation has issued a directive to subsidize 50 per cent of the transportation charges for children participating in tours and summer camps;

(b) The Ministry of Food and Agriculture has issued a Minister's order on the measures to be taken for the welfare of the children, which places concrete duties on the chairman of the agricultural department, companies, cooperatives and private entities. Also, a decision was taken to implement a special project "Rural children" reflecting all social problems of rural children and their labour and education;

(c) The Ministry of Population Policy and Labour, considering the large number of graduate children from the 8th and 10th classes among the unemployed, has taken a measure towards greater coverage of them in the vocational training centres and to provide job places.

Other Ministries have taken similar measures for the benefit of the children. The Religious Council of Mongolia has decided to hold a special prayer for the children on the twenty-ninth day of the last month of spring dedicated to purifying the mentality of the children and also dedicate the Day for the charity of the children, and it has become customary to transfer a certain amount of money from the offerings of the believers to the children's welfare fund.

II. DEFINITION OF THE CHILD

62. At present, Mongolia does not have legislation on the description of the child on the basis of the limited age qualification. But there is a general understanding that a child means anyone below the age of 18 years. Different laws fix the age restrictions with regard to the rights of the child. Thus:

(a) Paragraph 10 of article 16 of the Constitution of Mongolia (1991) defines that every citizen of Mongolia who has reached the age of 18 is eligible to cast a vote. This constitutional provision indicates that the person who has reached the age of 18 is capable of taking any responsibilities for his/her rights and obligations;

(b) According to article 9 of the Civil Law (1963), any citizen of Mongolia reaching the age of 18 will be eligible for any responsibilities, rights and obligations before court. But article 11 of the Law defines that the person who has reached the age of 15-17 could conclude some harmless and less responsible contracts as a legal subject;

(c) The Education Law (1991), article 4, obliges every citizen of Mongolia to obtain basic education pending 17 years of age;

(d) According to the Law on Universal Military Service (1993), the minimum age for universal military service is 18 years;

(e) The Family Code (1973), article 9, sets the minimum age for marriage at 18;

(f) The Labour Law (1991), article 85, establishes the minimum age of employment as 16; it will be permissible to employ the child at the age of 15 in jobs which are harmless as regard to his/her health, development and morality with the approval of his/her parents or caretakers. Also, the child who has reached 14 years of age could be engaged in vocational training oriented to work under the supervision and approval of his/her parents or caretakers. Article 86 of this Law prohibits employing children under the age of 18 on a night shift or overtime duty and during national holidays and weekends. Article 26 defines the working hours for 14- and 15-year-old children as not more than 30 hours and for 16- to 18-year-olds not more than 36 hours per week;

(g) The Health Law (1977), article 67, allows the employment of children under the age of 18 only after a medical examination and once they are employed they have to go through a medical examination not less than twice a year;

(h) The Health Insurance Law (1993), article 67, obliges every child under 16 years of age (18 for secondary school pupils) to be covered by the health insurance and the State to pay the insurance fee;

(i) According to the Civil Law (1967), article 37, children of 15-18 years of age have the right to defend personally their rights before the court. Article 138 states that court has to explain to the witness under the age of 16 about the obligation of telling only the truth, but should not remind him/her about the provision on the responsibility in case of false evidence;

(j) The Criminal Code (1986), article 9, makes children above 14 eligible before the law for felonies. According to article 22, the maximum prison term awarded to those under 18 years old will be 19 years.

63. The above-mentioned laws somehow provide the rights of the children in accordance with their age status. But, in practice there are a number of cases contradicting these provisions. For example, the law permits the minimum age for employment as 16 and in special cases as 14. But, many children start working at a younger age because of hard living conditions. According to the law, only the child who has reached age 14 will be responsible for his/her crime. But in practice, children under this age often are involved in crimes. In that case, there is no legislation to settle the issue. Therefore, it is imperative to introduce proper legislation to regulate the cases and the universal description for the child. The work has started to formulate the draft "Law on the protection of the rights of the child" in order to regulate the relations which have not found their reflection in the existing laws.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

64. Article 14 of the Constitution of Mongolia (1991) states:

> "All persons lawfully residing within Mongolia are equal before the law and the courts.
>
> "No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion and education. Everyone shall be a person before the law."

65. In Mongolia there is no evidence of discrimination with regard to women, rural children or minority children. But measures are under way to assist orphans, disabled children and children without caretakers to exercise their rights. By 1993, there were 4,427 orphans and 54,674 single-parent children between 0 and 16 years of age in Mongolia. There were more than 1,000 children who have been registered as children without caretakers or family and living permanently along the railway connections. There are 3,949 disabled and 17,198 mentally retarded children.

66. Some of these children have been provided with facilities like living in orphanages and studying in special schools. We have advanced concrete measures to this end and now are engaged in their implementation. There is an orphanage operating in Ulaanbaatar city with 270 children. At aimags and local places measures are undertaken to take care of these children within their existing possibilities. There is a system to educate the disabled children with special programmes designed for them. At the national level there are 15 special schools covering 20 per cent of the disabled and mentally retarded children. There is one centre in Ulaanbaatar city to take care of stray children. This centre has at least 60 to 100 children all the time.

67. The activities to help orphans, disabled and poor children and the children without caregivers are conducted regularly in the form of providing clothing and food.

68. The main difficulty in the implementation of the measures is the financial problem. As a result of the economic crisis which the country is facing at this transition period, the State cannot bear all the expenses or subsidize the measures designed for this vulnerable sector of the society. Therefore, we attach more importance to mobilizing the efforts of the local community and private entities to this end and to improve the capability of families to care for their children.

B. Best interests of the child (art. 3)

69. Paragraph 11 of article 16 of the Constitution of Mongolia says that the State shall protect the interests of the family, motherhood and the child. This is the legal guarantee for the protection of the interests of the child on the part of the State. There is no existing law directly dealing with the primary consideration of the child's best interests in Mongolia. But there are provisions of the laws concerning the issues facing children which express the idea and the humane approach towards children.

70. The National Centre for Children was established in 1991 to facilitate the primary consideration of the child's interests. The main objective of the NCC's activities are based on the principles of "primary consideration of children's interests". Its activities are directed to mobilize public efforts towards children. As a result of this, today all the organizations dealing with children's issues, production and services are financed by the State. Economic difficulty is the main one in the process of the implementation of this principle. There is no unified law or rules as for financing. With the economic crisis, every passing year financing resources are declining. And in accordance with the market economy principles, the children's organizations are facing the demand for their self-financing.

C. Right to life, survival and development (art. 6)

71. Article 16 of the Constitution of Mongolia provides the right to life. It says that deprivation of human life shall be strictly prohibited unless capital punishment, constituted by Mongolian penal law for the most serious crimes, is imposed by a competent court as its final decision. But, the Criminal Code of 1983 says that no death penalty will be awarded for children who commit a crime before reaching the age of 18.

72. The Health Protection Law (1977) says that the main task of the health policy of Mongolia is to take preventive measures and to improve health conditions of children and mothers. The provisions of the law also say that it is the duty of all State and public organizations to develop healthy children and to protect children's health and to create conditions for their comprehensive intellectual and physical development. There is a special article which contains the provision on "the protection of motherhood and child". The article defines in detail the measures directed towards the care for children.

73. The Health Insurance Law (1993) provides compulsory coverage of all children under 16 years old (18 for secondary school pupils) in health insurance at the expense of the State. The provisions of the laws also regulate the procedures related to prenatal care and the favourable environment for the child to grow. Within the framework of the Law, the concerned ministries have worked out necessary rules and regulations to this end, for example, the rule related to pregnant women, mothers with children under six months old to one year (1992). Also, there is a rule on the State responsibility towards triplets and quadruplets (1992).

74. The structure of the education system is divided into the following categories. Children of three to eight years old will be covered in pre-school kindergarten with the purpose of conducting education in accordance with the child's age and mentality. The general education school is the core of the education system which is aimed at the implementation of the rights to development and education. We consider that the school programme is not sufficient to provide a comprehensive education and knowledge to the children. Therefore, a number of organizations are conducting activities designed to this end; also, there is a policy to develop the children in the family setting. Within the framework of this policy, projects like "Programme for the development of the child in the family" and "Programme on heritage and tradition" are under way at the national level.

75. Measures taken to implement these rights are:

(a) Measures are taken to sustain the desired level once it has been reached and the State is bearing the expenses connected with the child's health, education and social care;

(b) The preparation of cadres working with children, like teachers and doctors, through universities;

(c) The National Programme of Action directed towards the implementation of the right to life and development is under way.

76. The difficulties are:

(a) There is no fixed guidance for the mobilization of social efforts towards the development of children under the prevailing market economy system;

(b) The bad old habit of taking all responsibility for the development of the child by the State, leaving family obligations aside, is continuing;

(c) Economic difficulties and shortage of financial resources are the main obstacles in the way of the implementation of the set goals.

77. The tasks facing Mongolia are:

(a) To organize in the near future a national high-level consultative meeting on the rights of the child to life and development;

(b) To pass a national law protecting the rights of the child;

(c) To develop an incentive policy towards the private sector to be involved in the development of children.

D. Respect for the views of the child (art. 12)

78. The concept for the implementation of this right is concentrated on the preparation of teachers who cooperate closely with children. Teacher training is one of the most important responsibilities of the universities and other higher education institutes. At present, there is one State pedagogical university training specialized teachers, and a college for teachers for primary school and kindergartens. Also, there is an advanced training institute for teachers.

79. In the Education Law, there is a special article devoted to the preparation and retraining of teachers. Considering the importance of the parents' role in the right of the child to express his/her views, Radio Mongolia has conducted several programmes on "Parents' popular university" and many articles on this particular theme were published in the mass media.

80. Recognizing the importance of the children's participation in social life in the implementation of this provision of the Convention, concrete activities have been conducted. These activities are usually planned in the beginning of the year and all related financial issues are selected well in advance. There are about 30 activities which have become traditional ones to this end. They include competitions, meetings and discussions where children can freely express their views. Also, there is a system of granting of special prizes to those children who participated actively. Children's newspapers, radio and TV are conducting special programmes dedicated to the respect of the right of the child to express his/her views freely and openly. Within the framework of these programmes such activities as Hotline for Children, Red Line and Words from Children were carried out. These kinds of activities have become traditional.

81. The right of the child to self-expression has been well reflected in Mongolian legislation. Article 16, paragraph 16, of the Constitution of Mongolia states, "freedom of thought, opinion and expression, speech, press ...". These fundamental rights are the legal guarantee for the children's rights to self-expression. This provision of the Constitution has been incorporated into the other laws and regulations of Mongolia. The Family Law sets forth the right of the child to express his/her will at court in respect to legal guardians in the process of his/her parents' divorce. In other words, the will of the child over the age of nine will be considered. The Code of Criminal Procedure says that no one can question or bring before

the court a child alone; a child should be accompanied by either a lawyer or legal representative and the court should bring the child's case in closed session.

82. Influencing factors and difficulties are:

(a) In principle, there is a favourable environment for the child to exercise his/her freedom of expression. But we still lack a proper instrument to find out the situation of the child in his/her family and to reach every child;

(b) No training has so far been conducted for teachers and parents on assistance to children to exercise their freedom of expression under the prevailing new circumstances;

(c) There does not exist any system for the training of lawyers, sociologists or others specialized in children's affairs;

(d) Many of the legal procedures regulating children's issues do not correspond to the changing situation;

(e) There is no institution to conduct surveys and evaluations on the children's opinions.

83. Tasks are:

(a) To conduct activities on a regular basis to improve the skill of the teachers, educationists and parents with regard to the respect of the rights of the child to self-expression and to be heard;

(b) To train lawyers, sociologists and others specialized in children's affairs;

(c) To institute a centre where children's views and opinions will be evaluated;

(d) To improve the facilities for the child to express his/her views through mass media;

(e) To legalize this right of the child through its reflection in legislation related to children;

(f) To establish a special children's court and to train lawyers.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

84. The right of the child to be registered immediately after birth and the right from birth to a name and the right to acquire a nationality are ensured in accordance with provisions of the laws such as the Family Law (1973), the Instructions for the Registration of Family Affairs, the Law on Citizenship, the Rule on Passports and Registration (1984). According to those laws and

regulations, the child will be registered by his/her parents or at the written request of the parents at the local Registration Office. In case the parents are unable to register their child personally because of serious sickness or death or other sound reasons, then the hospital authority or orphanage or relatives of the child may register the child. A child has to be registered within 30 days of his/her birth. Parents failing to register their child within the fixed period of time will face a penalty. For the registration of a child the following documents have to be presented and a name will be given by his/her parents:

(a) Maternity home certificate on the birth of a child;

(b) Passports of the parents;

(c) Marriage certificate of the parents.

85. A birth certificate will be issued upon the registration of a child. When a child is registered and gets his/her birth certificate, then he/she becomes a Mongolian national. In accordance with the Law on Nationality, if both the parents or one of them has Mongolian nationality then the child, notwithstanding his/her birthplace, obtains Mongolian nationality. In case of parents' change of nationality, the child under 15 years of age will automatically become a Mongolian national. If the child is over 15 years of age then the issue of nationality will be decided in accordance with the will of the child.

86. Abandoned and found children shall be registered within three days at the local civil registration office by the caretakers, orphanages or police. In case of a child found in the territory of Mongolia whose parents have not been identified, such a child will be considered a Mongolian national.

87. As for the registration of the new-born child, all local administrative units are taking care of the implementation of this, covering all children. But there is no mechanism to register the cases of violation of the rule. Until 1990, almost all mothers delivered their children in hospitals. In that case it was easier to register the child on the basis of the hospital certificate, with a coverage of 100 per cent. During the last few years the number of unregistered children has been increasing because of the declining health facilities in the rural areas, and, with the increasing poverty, many women deliver their child at home. In this connection, the draft law on children's rights, as well as the draft family law, is going to reflect the responsibilities of the parents to register their children in time.

B. Preservation of identity (art. 8)

88. Mongolia has provided legal guarantees for children to exercise their right to preserve their identity, including nationality, name, registration, education in their mother tongue and family relations, and favourable conditions for their implementation have been created.

89. According to the Family Law, the name of the child will be given by his/her parents and upon registration the child acquires Mongolian nationality. The Law on Nationality says that the child under the age of 15

will acquire the nationality of his/her parents and a child over 15 will have the right to choose his/her nationality by himself (in case of the change of nationality of parents).

90. In the Education Law, it was defined that children belonging to a national minority have the right to get their education in their mother tongue and the kazakhs residing in the western part of Mongolia exercise this right.

91. The Constitution of Mongolia provides the right of citizens to choose the place of their residence with their children.

C. Freedom of expression (art. 13)

92. The Constitution of Mongolia (1991) provides the rights to its citizens to freedom of thought, opinion and expression, speech and press. The Government of Mongolia has created conditions for the implementation of these rights for children by conducting regular press and radio and TV programmes and has prepared specialized cadres to this end.

93. There is a special newspaper, Young Generation, which provides opportunities for children to express their views and opinions. The newspaper is now 50 years old. There is a special programme section for children on Mongolian radio and TV. They carry programmes such as "Good morning" and "Red line" on the radio and "Threshold", "Wait, children are here" and "Let the Mongolian children grow" on television. These programmes are dedicated to children to express their views and opinions and also to disseminate State and government measures towards children. The programmes for children are usually divided into two parts. About 40 per cent of the programme is dedicated to children's problems and about 41 per cent for children's literature and other information.

94. Publication of books for children has been taken care of by the Government and the writers who devote their work to children play an important role in this. As a result of these activities, there is an independent publishing house, film studio and library for children. There are also a number of writers who devote their work to children. Children's organizations in Mongolia render all possible assistance to these establishments and people. There are some concrete results with regard to the regular publication of books for children and the translation and publication of foreign literature for children and its inclusion in school programmes. Every year the "Decade of Children's Books" has been organized during which there are different types of competitions, like who has read more books or the best resemblance to the hero.

95. In Mongolia every child has the right to seek any information needed by him/her. During the last few years the volume, content and resources of information for children have increased. Under this circumstance, it is becoming imperative to take some preventive measures, especially for urban children, to protect them from injurious information, such as pornography and horror or cruel films and videos. A special instruction for conducting film and video club business was issued in 1993.

96. The number of school drop-outs has been increasing during the last few years. As a result of this tendency, many children lack the opportunity to obtain useful information. Mainly, these are the children of cattle-breeders in rural areas and children of poor families in urban areas. The number of school drop-outs has reached 106,000 as of today and it has to be said that the access of these children to information is limited and they lack the facilities to express themselves.

97. Negative factors and difficulties are:

(a) Lately, there is a decline in children's publications because of the shortage of printing paper and the poor capacity, as well as the increasing price;

(b) In connection with the financial constraints, radio and TV programmes could not be classified with regard to the age of the children;

(c) Many children's libraries in aimags, cities and somon have closed and the number of children visiting libraries has decreased.

98. Challenges are:

(a) To organize activities to reach the children who have no access to information;

(b) To take measures to provide some government support for the publication of children's books and newspapers, to improve their quality and increase their numbers;

(c) To introduce a discount postal rate in order to facilitate children writing and expressing their views and opinions from the rural areas;

(d) To take measures to improve the distribution system of children's periodicals and information.

D. Freedom of Association and Peaceful Assembly (art. 15)

99. Article 16, paragraph 10, of the Constitution of Mongolia states that the citizen of Mongolia has the "right to freedom of association in political parties or other voluntary organizations on the basis of social and personal interests and opinion..." and discrimination and persecutions for being a member shall be prohibited. Also, the right for peaceful demonstrations has been guaranteed by the Constitution. It is being regulated by the Rule for Staging Demonstrations (1994).

100. At present there are six voluntary children's organizations in Mongolia. They are: Children's Organization of Mongolia, named after Sukhbaatar, with 8,000 members; Union of Mongolian Teen-Agers (movement without any formal membership); Union of Mongolian Scouts, with 5,000 members; Association of young technicians, with 900 members; "Mother Nature" movement (no membership); Association of children interested in foreign languages with 500 members. The Association of Mongolian Children's organizations was established in 1991 to coordinate and to provide guidance to the organizations. There are a number

of children's collectives and unions functioning at local levels facilitating the efforts of children to express their views and opinions within their territory.

101. There are no restrictions on the rights of the child to freedom of association and the policy of the Government exercised through its bodies is directed to render every support for the implementation of the right. The general tendency in this respect is positive. Still there are some constraints. Thus:

(a) There is no general guidelines for the financing of these children's organizations;

(b) There does not exist any proper system to provide assistance to these organizations on the part of the Government.

102. Considering the present constraints, the following tasks have to be implemented as priority ones. Thus:

(a) To define the ways and means to implement the right of the child to freedom of association in the draft laws concerning the NGOs and children's rights;

(b) To introduce a system which provides the opportunity for children's organizations to function under State sponsorship;

(c) To facilitate the training of specialists and teachers to assist children to enjoy their right to freedom of association.

E. Protection of privacy (art. 16)

103. The Constitution of Mongolia declares, "Privacy of citizens, their families, correspondence and homes shall be protected by law". Violation of this right shall be considered as a crime according to the Criminal Code of Mongolia. Also, the Civil Code of Mongolia states that the child will inherit the right to his/her parents' apartment in case of his/her parents' death or his/her shift to orphanage. Anyone temporarily occupying the apartment shall move from that apartment at the first demand of the child. In case of failure to do so, action will be taken by court decision. According to the Code of Criminal Procedure, it is prohibited to carry out any search, arrest, detention, imprisonment, prosecution or restriction of liberty without a court decision.

104. All these rights have been guaranteed by laws, but the children lack the knowledge with regard to their rights and exercise of these rights. It is our goal to assist children to know their rights and their implementation and to reflect these rights in national law in such a manner as to be easy to understand.

F. The right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment (art. 37)

105. Considering the mental and physical ability of the child below 18 years of age, special protection is provided by the Criminal Code and the Code of Criminal Procedure. Article 16, paragraphs 13 and 14, of the Constitution and article 12 of the Code of Criminal Procedure say that "no one will be subjected to torture, inhuman, cruel or degrading treatment" and also provide the right to be defended at court. Article 201 of the Criminal Code protects persons from false accusation. Article 203 of the Criminal Code prohibits awarding unlawful penalty or bringing about an unjust decision. Article 206 of the Criminal Code says that no one shall be compelled to give testimony.

106. These provisions of the concerned laws are important for the protection of the rights of the child and the court policy towards children is directed to the best interests of the child. There is a special police department dealing with corrective and preventive measures, as well as the protection of children from any unlawful incidents. Imprisonment is usually reserved for those children who committed an exceptionally dangerous crime or repeated crimes, but article 22 of the Civil Code prohibits punishing children under 18 years of age with more than 10 years' imprisonment.

107. The provisions of the legislation and the State policy on the protection of the child's rights in this respect are not bad. But, in actual life, no survey has been conducted so far on the situation of children with stepmothers or stepfathers and the number of child victims. In most cases, children do not know their rights or they do not know where to go in case of violation of their rights. Therefore, it is becoming imperative to improve and define the activities to be carried out in this direction.

108. Tasks are:

(a) To reflect the rights of child victims in their families in detail in the law on the protection of the rights of the child;

(b) To conduct a special survey on the situation of children in their own families and define rights for the child victim and to take concrete measures to improve the situation;

(c) To train specialized cadres to deal with these problems.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental responsibilities (art. 18)

109. The Constitution of Mongolia proclaims that "it is a sacred duty for every citizen to bring up and educate his/her children and to protect nature and environment". This part of the Constitution has been well reflected in the education, civil, family and labour laws of Mongolia. The provisions of the laws have been translated into life with regard to bringing up healthy and educated children. These provisions are the legal basis for the responsibilities of the parents, but there does not exist a comprehensive favourable economic and social environment for the parents to take proper care

of their children. During the last 70 years, parents have forgotten the traditional way to bring up their children and have left everything to kindergarten or schools. This is somewhat linked with the working conditions of the working parents and the lack of leisure time to spend with their children. At present, the economic potentials of the families are low. About 40 per cent of the families today cannot meet the demands of their children. On the other hand, secondary schools were too much involved in the children's affairs, organizing all kinds of activities making the child closer to school rather than to his/her family.

110. But, during recent years, schools do not carry out that many activities for children, while parents continue to ignore their children. Under this circumstance, children are left without any proper guidance. As a consequence, this situation facilitates the increase in numbers of street children and/or school drop-outs, especially in urban areas.

111. There are a number of factors influencing the present situation. For example, under the prevailing difficult economic conditions, both parents have to work and there is actually no one to take care of the child. Meanwhile, again because of the economic difficulties, kindergartens and schools are not in a position to organize different types of activities directed towards children to spend their free time fruitfully. The situation is even worse with regard to children from poor families. Many of these poor families cannot afford clothing for their children and are not in a position to buy school supplies. As a result of this, there is an increasing tendency for these children to become school drop-outs. But, there are a number of poor families where the parents still manage to bring up their children and take care of them. The Government of Mongolia, at present, pursues a policy directed towards improvement of the responsibilities of the parents. But we lack the organization of any systematic activities for conducting training or counselling for the parents to bring up their children.

112. Since 1991 financial assistance has been provided to parents to bring up their children within the framework of the social security net. Government Decision No. 286 dated 4 October 1991, on the measures to increase the production of children's clothing and the Regulation, worked out jointly by the orders of the Ministers of Finance, Trade and Industry and Education, on the establishment of an assistance fund for clothing the children from poor families have had a positive impact. By Government Decision No. 34 dated 28 September 1992, the Assistance Fund for the poor and low-income families was set up and by Decision No. 267/213 of the Ministers of Labour and Finance the rules and regulations of this fund were formulated. This fund provides assistance in the form of clothing, school supplies and organizing vocational training courses.

On the basis of Decision No. 34 dated 26 February 1993 on the State subsidy of milk for infants, the Ministries of Finance, Population Policy and Labour and Health subsidize 50 per cent of the price of milk for children under one year of age from low-income families. By Order No. 23/31 dated 1 February 1993 of the Ministers of Finance and Education, parents will enjoy some discount on the kindergarten food fee.

113. Constraints on the implementation of these orders are:

(a) Many families face economic difficulties in bringing up their children at this time of transition;

(b) There is no proper system to help large families to survive under the prevailing new conditions and teach them how to improve their lives;

(c) No survey has been conducted among the parents on the fulfilment of their responsibility to bring up their children and there is no policy of assisting parents in parenting;

(d) Many members of the society are used to the concept of "feed me" and especially the poor ones are reluctant to seek ways and means to improve their lives by their own efforts.

114. Considering the present situation, we advance the following tasks to be implemented:

(a) To take measures to improve the abilities of the parents to bring up and educate their children in families;

(b) To create a proper system of coordinating the activities of Government and NGOs on the development and implementation of policy towards families;

(c) To require employers to provide conditions for their employees to work with their children and to monitor compliance;

(d) To conduct scientific research and training on family affairs in order to help them;

(e) To expand the activities of the organizations dealing with children of working parents, in close cooperation with the families;

(f) To carry out counselling services for parents on the issues related to bringing up and educating their children and to provide assistance.

B. Separation from parents (art. 9)

115. Article 17 of the Constitution of Mongolia says that it is a sacred duty for every citizen of Mongolia to bring up and educate his/her children. This provision of the Constitution provides a legal basis for other related laws of Mongolia. The Family Law and the Civil Code as well as the Criminal Code clearly describe the responsibilities of the parents to bring up their children and also the penalty in case of failure. These are the main legal bases for the children to be brought up in their families together with their parents.

116. While legislating the responsibilities of the parents to bring up and educate their children, there are also certain cases when the child has to be separated from his/her parents for his/her best interest. Article 44 of the

Family Law says that by court decision parents can be deprived of their parental rights in case of failure to fulfil their obligations to the child or where violence in the family is common.

117. To improve the conditions of the children:

(a) Article 50 of the Family Law contemplates the obligation of the parents to bring up their children. Also, the Law obliges both parents to share equally the responsibilities to their children and in case of divorce, the one who is not awarded custody shall have to pay a contribution to the other;

(b) Article 60 of the Family Law states that for the best interest of the child the court can fix the maintenance for the children on the basis of a statement issued by the interested body or legal guardians or State authority or social organizations. The payment is fixed at a certain percentage of the average monthly salary, considering the number of children receiving maintenance. If the parent fails to pay or does so with delay without any sound reasons, the tribunal shall compel him/her to pay or to garnish his income for this purpose;

(c) Article 47 says that the child could be sent to the custody of a child care organization if the court decides in the case that his/her stay with his/her parent or with either of them is considered to be contrary to the child's interest. Once the family environment improves then the child could be returned to his/her family by the recommendation of the court.

118. In other works, only a court decision shall prevail with regard to the separation of the child from his/her family. If anyone takes the custody of the child without any legal procedure then the parents have the right to appeal to the court. Even in cases of deprivation of parental rights or the separation from their children, the parents continue to bear the responsibility to take care of their children. The purpose of this provision is to maintain the contacts between the child and the parents. Once the parents' behaviour has been corrected, then the child can be returned to his/her family.

119. Notwithstanding the existing provisions of the concerned laws, their implementation has to be improved. Violations of the laws is increasing. There is no institution where a survey on impact of the child's separation from his family could be carried out. Also, there is no organization or professional personnel to deal especially with the problems of children separated from their families. Therefore, we have:

(a) To legalize the child separation problem in the forthcoming new Law on Family and the Law on the Protection of the Rights of the Child;

(b) To establish a special court dealing with these problems and to prepare cadres;

(c) To take all possible measures to prevent the child's separation from his/her family;

(d) To conduct a survey on the situation of separated children and to improve the living conditions of children.

120. The Ministry of Justice worked out a rule in 1991 on child maintenance, under which 139 persons have received payments of 163.3 thousand tugriks during 1991-1994.

121. Many of the parents by their own will continue to contribute to their separated children and in case of failure, the court shall exercise its penalties. By 1993, 8,800 citizens had paid maintenance to 16,200 children (21 million tugriks) by the decision of the court. About 3,800 citizens failed to pay maintenance because of unemployment or having no regular income. On the other hand, the amount of the fixed maintenance could not meet the basic needs of the children. In this connection, the change of the percentage is going to reflect in the forthcoming new Family Law.

122. At present there are 451,600 families in Mongolia and 54 per cent of them live in urban areas and 46 per cent in rural areas. About 76 per cent of these families have children under 16 years of age. About 70.2 per cent of these families have 1-3 children, 27.1 per cent with 4-6 children and 2.7 per cent with 7 or more children. There are more than 20,000 single-mother families with more than 70,000 children.

123. According to the Mongolian criteria, a family whose per capita income is less than 40 per cent of the lowest guaranteed level of the living standard of the family which could not even pay for their food and fuel is considered to be a very poor family or person. According to these criteria, about 60 per cent or 51,600 of the poor families come under the category of very poor. By Government Decree No. 34 of 1992, a Special Assistance Fund was created. The goal of the fund is to provide all kinds of assistance to these poor families, including soft loans.

124. In 1993, assistance in the form of money was provided to 11,600 poor people (12.8 million tugriks), 2,300 people receive clothing worth 681.3 thousand tugriks, and 7,800 people got assistance in the form of food worth 3.2 million tugriks. In five aimags and six districts of Ulaanbaatar and Erdenet cities charity centres were established. About 320 to 350 poor people can have a free lunch at these centres and these centres also conduct activities to help the families of those poor people. In 1993, about 150 poor people who are capable to work have been provided with soft loans of millions of tugriks. Children under one year of age from these poor families are entitled to get milk at half price and in 1993 the Government has spent 9.1 million tugriks for that purpose.

125. Constraints are:

(a) There is an increase in the number of poor families and people;

(b) School graduates are joining the ranks of the unemployed because of the shortages of jobs which, in turn, increases the number of poor people;

(c) Many people still continue to lead their life according to the old mentality of "feed me";

(d) The economic potential of the country does not permit provision of assistance to those poor people who could still be engaged in labour.

126. The sole solution to overcome the present difficult situation will be to bring up and educate children from an early age in the spirit of hard work and life skills. For this purpose, the Government of Mongolia is conducting activities directed towards the increase of employment and decrease of unemployment (Government Resolution No. 134 of 1993). This Resolution states that the children graduated from 8th and 10th grades who could not continue their study in higher institutions or be employed will be provided with some facilities to conduct their own business. For that purpose Government will lend some necessary equipment and instruments.

127. The process of the formulation of a new social care system and legislation to facilitate conditions for families to bring up and educate their children is under-way.

C. Children deprived of a family environment (art. 20)

128. Problems facing the children deprived of their family environment or parental care have been regulated by the Family Law. Article 76 of the Family Law contemplates that the Government will set up rules for the protection of these deprived children and their property.

129. Special care is taken regarding children permanently deprived of their family environment, including orphans. Measures to this end include, first of all, a survey and registration of these children's needs. By 1993, there were 942,800 children 0-16 years of age and 6.2 per cent or 4,427 were orphans; 1,007 of these orphans were 0-6 years of age and 3,420 were 7-16 years old. These children need to find some guardians. Also, there are 1,268 children who have no relatives to look after them. These children live under very difficult conditions. Before 1989, or at the time of the centralized planning system, these children were covered in State care by laws and regulations. But in today's new circumstances these laws have no grounds for implementation.

130. Article 78 of the Family Law states the necessity to provide assistance and care to those children temporarily deprived of their family environment. In this category we include children whose parents are in prison or in hospitals for a long time or those who have no ability to take care of their children.

131. Also, the number of the street children is increasing because of the lack of parental care and poverty. By 1993, there were more than 1,000 police-registered children who spend their days in trains "travelling". Also there are about 3,000 children who join with those "permanent travelling" street children. All these constitute about 5 per cent of all children; 7 per cent of them are boys and about 5 per cent are girls and their average age is 11 to 13 years old. To facilitate conditions for these children to return to their families and to protect them is becoming the main concern of the children's organizations.

132. As of today there is only one State orphanage which is functioning in Ulaanbaatar city and which can cover only 3 per cent of orphans. Also, "Itgel" centre for street children operates in Ulaanbaatar city with a coverage of only 0.3 per cent of the street children.

133. A special programme designed for the children temporarily or permanently deprived of the family environment has been formulated at all levels. The main content of this programme is:

(a) To identify caretakers for these children, to arrange adoption, to facilitate conditions for these children to be brought up in a family environment, to conduct the adoption cases in accordance with the law and place those who have no guardians in orphanages;

(b) To formulate local programmes for these children to teach them life skills, to get vocational training and education, to give soft loans, etc.

(c) To provide legal assistance in order to exercise their rights;

(d) To mobilize mass efforts to help these children and to render every assistance to encourage their activities.

134. Constraints are:

(a) Non-existence of unified State legislation to protect and assist these children;

(b) No financial resources to reach and help every child;

(c) Lack of professional cadres to work with these children.

To overcome these constraints, measures have to be taken to adopt legislation to assist these children and to improve the qualification of the people working with them.

D. Adoption (art. 21)

135. Article 7 of the Family Law of 1973 deals with adoption. According to this article, at the time of the registration of marriage both members of the couple will agree to take the child from the previous marriage as their common child. Grandparents shall have the right to adopt their grandchildren with the agreement of the children's parents or with the authority of the orphanage. Any other case dealing with adoption of the child will be conducted through the local administration for the best interest of the child.

136. Children under the age of 16 can be adopted, except a breast-fed child under one year old. For the adoption of a child, written application of the parents and the approval of the local administration have to be presented. In case of the children under 3 years of age, a medical certificate has to be issued and in case of the child over 9 years of age his/her agreement has to be presented as well. But no permission is required from those parents who

have been deprived of their rights for parenthood, and those who failed to bear the responsibilities of parents and those who are mentally retarded or those whose address is not known for the last year.

137. Articles 53 and 54 of the Family Law contemplate that the relations between adopted children and the adopting parents and their relatives shall be the same as blood relations.

138. Orphans will keep their rights to allowances they used to get before their adoption. Mothers adopting children under one year old will enjoy the same privileges as a mother who has given birth to a child, like post-natal leave and allowances for taking care of a child.

139. There does not exist any legal provision with regard to inter-country adoption, and there is no organization in charge of such adoptions. Since 1991, there have been several requests for the adoption of children by foreign citizens. On the basis of the provision of the Constitution of Mongolia, which says that any international treaty signed by Mongolia shall have the same force as its national law so far four Mongolian children have been adopted by the citizens of Germany and the United States. The adoptions have been registered in the registration office of the local administration. Children's organizations of Mongolia consider that the existing system for the adoption of a child does not meet the requirements of law and the Convention on the Rights of the Child. Therefore, they deem it necessary to formulate concrete legislation on adoption of a child and to establish a special organization to deal with each case.

E. Illicit transfer and non-return (art. 11)

140. With the emerging economic difficulties, many families could not cope with the burden of bringing up their children in a proper way and to meet their material needs. As a consequence, the number of street and abandoned children is increasing. The Government of Mongolia has paid due attention to this problem and has formulated and implemented its policy to fight it, including Mongolia's National Programme of Action for the Development of Children in the 1990s and the Poverty Alleviation Programme. Also, from 1994 a project on assistance to street children has been implemented in collaboration with UNICEF. The thrust of these programmes and projects is to provide an environment for the children to be brought up in their families and to assist parents to this end and to ensure alternative family care for orphans.

141. There is no discrimination between the children with legal fathers or without. There are even special provisions of the law which provide protection to ensure the equality of children. For example, article 38 of the Family Law says that the father of any child born to an unregistered marriage shall bear the responsibilities for his child, even though the marriage does not legally exist. This can be implemented through the court decision which will be taken on the basis of the mother's appeal or the request of the adult child.

142. The Constitution of Mongolia declares that to travel and reside abroad and to return home is a fundamental right and freedom of the citizen and this provision of the Constitution is implemented through the law on immigration (1991).

F. Abuse and neglect (art. 19), including physical and phychological recovery and social reintegration (art. 39)

143. Article 44 of the Family Law stipulates that a parent who is sentenced for violation of the physical safety and dignity of the child and for serious ill-treatment or humiliation of the child may be deprived by court decision of the right to take care of the child or face some kind of administrative punishment. The case to deprive parents of the right to bring up their children will be dealt with by the court on the basis of a statement issued by any organization or citizen or guardian. The court shall take its decision in the presence of a prosecutor and the maintenance for the child should be settled by the same decision. The parents deprived of their parental rights lose their right to be parents, but not their obligations to assist the children and bear the material responsibilities.

144. The Criminal Code of Mongolia stipulates that any form of exploitation or abuse and all forms of physical and mental violence against children shall be considered as crime, including sexual abuse of young children (art. 110), rape (art. 112), failure to pay children's maintenance (art. 115), ignorance towards pre-school children (art. 121), misuse of one's responsibility of guardianship (art. 120), driving children into crime (art. 241).

145. The Children's Organization of Mongolia has advanced concrete goals in this area. For example, in the chapter dealing with children in difficult circumstances of the National Programme of Action, child victim issues have been reflected. It is proposed to establish a system to compensate children's injuries caused by human faults and to establish a fund for these children and to cover them in "accident insurance".

146. One of the main responsibilities of the Children's Organization is to identify children whose rights have been violated either in his/her family or in the society and to bring the issue to the attention of the authorities and to protect child victims and to take measures to compensate the loss. To this end, in 1993 the "Instruction for the citizens and parents to be followed in bringing up and educating their children" was formulated in order to help parents to improve their legal knowledge.

VI. BASIC HEALTH AND WELFARE

A. Disabled children (art. 23)

147. On the basis of the provision of the Convention, the Government has worked out a guideline on the protection of disabled children and the increase of funding the activities.

148 The Pension Law (1990) could not achieve any positive steps towards the coverage of disabled children in the pension system. It states that a child disabled from birth will be entitled to receive a social security pension when

he/she reaches the age of 16. In case of a disability caused by accident, a child will get a certain amount of assistance once from the insurance, if he/she is insured.

149. Within the framework of the activities towards assisting poor, low-income families, the Ministry of Population Policy and Labour provides some allowances to disabled children.

150. According to the limited survey conducted in 1992 among disabled children, about 41.7 per cent of the children covered in the survey were 0-8 years old and 58.3 per cent were 9-16 years old. Of these, 53 per cent were boys and 47 per cent girls, and 77 per cent were disabled from birth, with the rest of these children getting some kind of treatment. About 55 per cent of the children covered in the survey were from poor families or were orphans. Therefore, during the last two years, more attention has been paid towards the children in this category. To this end the following measures have been implemented:

(a) Establishment of a specialized centre for early detection of child disability and rehabilitation;

(b) Creation of a special sanatorium for physically disabled children (Ulaanbaatar Nursery No. 42);

(c) A special rehabilitation nursery for children with hearing, speech and visual impairments (Ulaanbaatar);

(d) A children's research centre for hearing disabilities;

(e) "Anir" foundation for rehabilitation of children with impaired hearing;

(f) A children's visual research cabinet;

(g) A research centre for children's mental disorders.

151. According to the surveys conducted in 1986-1991 there were 18,676 physically disabled or mentally retarded children. By 1993, there were 3,800 mentally retarded children who were studying in simplified programmes in 15 schools in Bayan-Ulgii, Bayanhongor, Bulgan, Gobi-Altai, Dornot, Zavkhan, Huvsgul, Hentii aimags and in Darkhan, Erdenet and Ulaanbaatar cities. There were 248 children in 36 special classes in Arkhangai, Dundgobi, Uverhangai, South Gobi, Sukhbaatar, Selenge Central and Khovd aimags and more than 200 children in primary schools. At special school No. 29 in Ulaanbaatar city there are 521 children with visual and hearing impairments and 201 of them came from rural areas. The coverage of disabled children in special schools is very low. The main content of the programme for these disabled children is oriented towards vocational training. Judging by these activities, we can say that there does exist some system for the education of disabled children.

152. The Children's Organization of Mongolia conducts some activities directed to assist and to mobilize public efforts towards those disabled children staying at home and to help their parents to improve care of and services to these children.

153. NCC and UNICEF are implementing jointly a project to assist disabled children. Also, some training for the parents of these disabled children is under way in collaboration with Save the Children Fund of the United Kingdom, for early detection and rehabilitation of the disability of the children.

154. During the last years, concrete measures have been taken to provide facilities for disabled children to enjoy and exercise their rights like all other children. But, many constraints still remain:

(a) There is no permanent allowance or assistance given to these disabled children or to their parents who take care of them. There is no guarantee for them to meet any emergency need in terms of money;

(b) There is a common understanding that the disabled children must be treated in a special way as far as their medical treatment and schooling are concerned;

(c) Parents lack the skill and knowledge of rehabilitation;

(d) There is no national institution where teachers and doctors can be specialized to work with the disabled children;

(e) Financial difficulties prevent implementing the above-said measures.

155. Tasks to overcome these existing difficulties are:

(a) To codify special assistance and allowances for disabled children;

(b) To conduct training of parents and doctors on early detection of disability and rehabilitation;

(c) To provide facilities to bring up disabled children in their families like normal children and to create a universal awareness of the need to assist disabled children;

(d) To mobilize resources to conduct vocational training for these disabled children and to create jobs for them; and

(e) To improve the supply of the special apparatus needed by these children.

B. Health and health services (art. 24)

156. The Constitution of Mongolia (1992), the Law on Health Protection (1977) and the Health Insurance Law provide a legal guarantee for the protection of children's health, their survival and the right to life and free medical services without any discrimination as regards their nationality, language,

sex, place of residence. The medical statistical information system is in charge of monitoring the implementation. In somon medical personnel are in charge of this responsibility and in bigger clinics there is a statistical cabinet. These cabinets collect monthly data from the cities and aimags on births, deaths and infectious diseases and relay this information to the State Statistical Board.

157. The following is a statistical comparison of several health indicators affecting children for 1990 and 1993.

	1990	1993
IMR (per 1,000 live births)	63.4	57.4
U5 MR (per 1,000 live births)	87.0	82.7
Birth	35.6	22.8
Death	7.9	7.5
Maternal mortality (per 1,000 mothers)	1.2	2.4

The data show a decrease of IMR and U5 MR and the birth rate and an increase in the maternal mortality rate.

158. There is a unified medical net for the reduction of child mortality. Every administrative unit of Mongolia has been provided with medical facilities, having medical personnel, a doctor and a paediatrician and other facilities for providing professional services for children. In the hospitals at bag level there are no specially designated beds for children but at somon level there are beds and at aimag level there is a special ward for children and a hospital with 30-120 beds for children and in Ulaanbaatar city there are 4 children's hospitals with 200-300 beds and a research centre with 840 beds. There is a special faculty for paediatricians in the Medical University.

159. The predominant cause of infant mortality is pneumonia which represents 75 per cent of the IMR and 54.2 per cent of U5 MR (1993). This rate has been stable for the last 20 years. Influencing factors are: extreme continental cold climate, shortage of apartments and large families, malnutrition, sparsely populated rural areas with poor development of infrastructure like communication and transportation, shortage of ambulances, etc. Compared with other countries, measles is not a predominant cause of child mortality in Mongolia. There is some information that TB is increasing, but no survey has been conducted to assess the situation.

160. Considering the present situation, we deem it necessary to take the following measures:

(a) To reflect the duties and responsibilities of Government, judicial and religious organizations and educational and economic enterprises for child health care in the forthcoming draft Law on the Protection of the Rights of the Child;

(b) To improve the responsibility of the parents to protect their children from infectious diseases and to conduct training to this end;

(c) The high IMR demonstrates the present health situation of Mongolia. The "Healthy Child" competition organized last year in Ulaanbaatar by the 16 health centres showed that only 1 child in 600 was completely "healthy". The situation is serious among schoolchildren. The negative impacts on children's health are: street and abandoned children, heavy labour in which young children are engaged, prostitution, alcohol drinking, smoking and other habits, school drop-outs, increasing number of poor families, shortage of food.

161. With the decline in responsibilities on the part of the parents towards their children, the health conditions of the children are becoming worse. Also, the number of mentally retarded and disabled children remains high.

162. The morbidity rate for scab disease has increased during the last three years because of inadequate sanitation. It is becoming imperative to train children from early childhood to practise good sanitation.

163. Certain measures have been taken to solve the financial problems. There are also some problems related to the transition economy period. Still, many things have to be done with regard to the private health enterprises.

164. Historically, Mongolians used to treat diseases like "head shake" by traditional methods. But in a number of cases wrong diagnoses resulted in the death of children. Certain measures have been taken to improve the situation, such as disseminating information, improving the medical knowledge of the people and issuing certificates to private doctors, etc. Measures are also taken to collect information on the situation of child health and nutrition; a considerable amount of work is being conducted in Mongolia on the collection of health statistics.

Prenatal and post-natal maternal care

165. Mothers continue to enjoy prenatal leave for 45 days and post-natal leave for 56 days, keeping their full salary.

166. As of 1989, there were 287 prenatal rest homes. But by 1992 the number of these homes decreased to 56. By Decision No. 39 of 1993 issued by the Health Minister, one room at the somon hospital would be devoted to mothers and financed from the State budget. By 1993, the number of these homes increased to 147 and 263 rooms have been used. In 1993, 1,913 mothers out of 3,650 have rested in these homes.

167. Measures were taken to provide all pregnant and anaemic women with iron supplement in collaboration with UNICEF. All the somon hospitals were provided with haemoglobinometres. A guidebook on the prevention of anaemia was prepared and distributed to all aimags.

168. In the field of reduction of maternal mortality:

(a) Measures were taken twice to provide the somon and aimag maternity homes with essential drugs and equipment;

(b) Training was conducted in obstetrics covering doctors, midwives and nurses of somons and aimags;

(c) Reference materials on family planning, preventive methods, reduction of maternal mortality and guidance on obstetrics were prepared and distributed;

(d) "Safe delivery" periodicals have been prepared quarterly and been distributed;

(e) Five regional coordinators are working within the framework of projects on family planning at local places;

(f) Activities are under way in collaboration with UNICEF on primary health care for infants and mothers.

169. At present 97.8 per cent of deliveries occur at maternity homes and 2.2 per cent at home.

Children's nutritional status

170. Since 1992, research on the supply of proteins, minerals and other vitamin to children 0-3 years of age has been conducted. An epidemiological survey was conducted on the weight of the children and on their nutritional and health condition. In 1992, this survey covered 1,560 children of 0-5 years old from 3 cities, 4 aimags, 16 somons and in 1993, 5,547 children of 0-5 years from 1 city, 8 aimags and 32 somons. According to the survey conducted in 1993, about 35 per cent of the children covered in the survey suffered from malnutrition and 32.7 per cent from anaemia.

171. Special examinations were carried out among the children under 5 years old and pregnant women of these aimags on the haemoglobin standard and 4,080 children of 0-5 years old from Ulaanbaatar city were covered in the examination of growth standard.

172. A survey on the condition of breast-feeding was conducted in 13 aimags and 2 cities through special question sheets; 6,620 children of 0-24 months old were covered in this survey.

173. The children's food processing centre is using 13 recipes for children's food and 5-6 new ones have been formulated.

174. Methodological approaches were formulated on the food requirements for children 0-1 year old. Within the framework of this activity such guidance as "components of infant food", "necessary components of diet food", "methods for the improvement of milk of breast-feeding mothers", "recommendations on the food for children under 3 years old" were worked out.

175. In 1992, in collaboration with UNICEF, a seminar was conducted on breast-feeding covering doctors, midwives and obstetricians from 17 aimags, all somon and 3 cities. We were able to achieve considerable progress with regard to the promotion of breast-feeding. There is no separation of the newborn child from his/her mother. Children born by Caesarean take their mother's milk 1-2 hours after their birth. There is a strict policy of breast-feeding children up to 4-6 months and there is no substitute supply for that in the maternity homes. Regional and local training was conducted in collaboration with UNICEF on "Breast-feeding and baby-friendly hospital" covering 625 doctors and medical personnel. In June 1993, in collaboration with UNICEF, 25 professionals in the field of "Breast-feeding and baby-friendly hospital" were prepared. Every year from 1-8 August we celebrate "Child Breast-feeding Week" at the national level. During this week, a wide range of activities directed at the promotion of breast-feeding are carried out and, with the sponsorship of UNICEF, "Mother's Milk" magazine is published quarterly. In 1993, in collaboration with UNICEF, Dr. C. Virapon assisted in the preparation of 15 national cadres in the field of "Breast-feeding and baby-friendly hospital".

Drinking water

176. Steps were taken to improve the quality of the drinking water:

(a) Two separate criteria were formulated at the national level for drinking water and ordinary water for everyday consumption. In accordance with these two criteria, the authorities of the local administration have conducted chemical analyses of the quality of the water;

(b) The Ministry of Health and the Ministry of Nature and Environment have worked out a special rule on the protection of the drinking water sources;

(c) Twenty teachers were prepared to conduct training on the quality of drinking water;

(d) Training activities were undertaken on water quality control;

(e) A national system for water supply was established.

177. On the basis of an examination, a proposal on the improvement of water supply and sanitation will be formulated and submitted to the Government.

C. Social security and child-care services and facilities (arts. 26, 18)

178. Most of the newly adopted legislation of Mongolia reflects the social security of the children and their care.

179. The Allowances Law provides the following allowances for children:

(a) Child-care allowances. If the monthly income of the family is less than 1,200 tugriks then the child, within three months after his/her birth, will be entitled to get an allowance of 440 tugriks, and for twins 600 tugriks;

(b) Allowances for large families. A family with four or more children will get allowances for every child (age 0-3, 100 tugriks; 4-7, 250 tugriks; 8-16, 450 tugriks);

(c) Allowances for twins. Special allowances will be given to mothers to take care of twins up to the age of two.

180. The Pension Law provides:

(a) Disability pension. Any disabled person over 16 years old is entitled to receive a pension for the disability. The maximum amount will be 200 tugriks and the minimum 120 tugriks per month;

(b) Pension on the loss of the bread-winner. Any one under the age of 16 who has lost the bread-winner is entitled to receive a pension. The amount of this pension will depend on the circumstances of the children.

181. The Health Insurance Law provides the opportunity to children under 16 years of age (18 for secondary school pupils) to be covered in health insurance at the expense of the State.

182. The Education Law obliges every one to obtain basic education before the age of 18 at State expense.

183. The amount of money fixed by the above legislation could not meet even the essential needs of children under the present prevailing situation of high prices and inflation. Considering the difficult situation during the transition period, the Government of Mongolia has formulated a Poverty Alleviation Programme and is taking measures to implement it. Also, the Programme of Action of the Government of Mongolia has put forward a complex set of measures directed to the improvement of the living standard of its people. Considering the rapidly increasing prices, Government has introduced a system of indexation of wages, pensions and allowances in line with the inflation rate. And it is providing every assistance to poor, low-income and large families, as well as single-parent families. Concrete measures to provide social assistance to poor people were reflected in a number of Government resolutions and regulations. Government also provides soft loans to those poor people who can be engaged in some business and is providing free services for those who cannot survive independently. Government is financing orphanages and charity kindergartens where about 20 per cent of the needy children are covered. The social problems of the vulnerable sectors of the society could not be solved without the mobilization of the efforts of the society. To this end, it is becoming important to involve NGOs and private sector enterprises.

184. But the assistance given to these children could become the guarantee for their future life. It helps them just to survive. Therefore the relevant legislation is under revision at present and is going to be presented to the State Great Khural. There is an independent body dealing with the social security aspects. It has branches at all administrative levels of government.

185. Constraints and ways to overcome these difficulties are:

(a) The provisions of the old laws do not suit the prevailing conditions in Mongolia;

(b) Many people still continue to live with the old mentality of "feed me" and do not have the desire to work;

(c) Many of the large families are joining the ranks of poor because of the economic decline during this transitional period; and

(d) Limited government resources to assist these people.

186. Measures to overcome these difficulties are:

(a) To formulate law on social security and allowances;

(b) To implement measures to provide jobs to those who can work and to facilitate them to bring up and educate their children;

(c) To cover under State protection the children who have no caretakers;

(d) To mobilize the efforts of NGOs and private sector enterprises towards the creation of a social security fund.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education (art. 28)

187. A comprehensive system of education devoted to the development of children exists in Mongolia. These concerns have been reflected in the Constitution of Mongolia, the Education Law and the policy of "educational development".

188. The Education Law states that the citizen of Mongolia shall enjoy the right to be involved in the schools of all levels and in courses, free or with a fee, and it is the duty of the citizens to obtain basic education before the age of 17. Article 3 of the Law says that education shall remain under State sponsorship and the citizens of Mongolia have the right to be educated in their mother tongue.

189. A policy to democratize the education policy and to introduce a flexible and free system of education has been conducted. The education policy should be renovated in close linkage with the traditions and the specific characteristics of the people. The main thrust of this process will be to facilitate the environment for the child to express him/herself freely, to respect others' interests and to define his/her own position in the society.

190. The Government of Mongolia is pursuing a policy to create a favourable environment for the children to be brought up in their families and to get a basic education, for example, coverage of children from poor families by the charity kindergartens, placing orphans in orphanages, facilitating the

operation of boarding schools for the cattlebreeders' children and to place disabled and mentally retarded children in special schools. Every aimag and city had charity kindergartens and about 80 per cent of the cattlebreeders' children were in boarding schools. But during the last few years, the number of these establishments has decreased owing to financial constraints. Only 10 per cent of the children entitled to be educated in special schools are covered. Special programmes and projects were formulated to provide basic education to the children from the vulnerable sectors of society and to facilitate vocational training. At present, there is one vocational training centre providing services for children to obtain access to any of the 10 professions.

191. The aim of the education policy of Mongolia is to assist children to develop their skills and talents and to be educated in the spirit of humane upholding of their motherland, language, tradition and civilization.

192. Children are benefiting from all-round facilities to develop themselves physically and intellectually without any discrimination with regard to their sex.

193. During recent years the number of school drop-outs has been increasing, largely due to economic hardships faced by citizens. The majority of these drop-outs are boys, which may be connected with the agricultural production and the share of boys in the labour force. Different types of activities have been conducted to educate those school drop-out children.

194. At present only 20 per cent of preschool children are covered by kindergartens and there is no system to prepare the cattlebreeders' children for school. Special attention will be paid to create such a system in the near future.

195. National minority kazakhs have been provided with a facility to educate their children in their mother tongue. There are several kazakh schools in Bayan-Ulgii and Khovd aimags.

196. The 1994 State budget has allocated 15.3 billion tugriks or 16.1 per cent of the budget to education. Out of this, about 60 per cent is for primary education. Of this money, 56.4 per cent was spent for heating, electricity and water, 37.5 per cent for wages and 13.3 per cent for administrative expenditures. The average expenditure per child per year for a family to pay is around US$ 100. This is not a small amount for those poor families, and also for those parents who are working in State-budgeted organizations. Therefore, there is a need to cover those families in the social security net and with insurance in order to enable them to send their children to school.

197. There is a shortage of teachers. At least 3,000 teachers are needed, especially teachers of mathematics, physics, chemistry and foreign languages. The policy on the preparation of teachers is concentrated on multidisciplinary teachers with good skills. As for the training institutions for teachers, there is 1 university, 4 colleges and 1 private institute. About 1,000 people graduate from these institutions annually, but only about 70 per cent of them make teaching their professional work.

B. Leisure, recreation and cultural activities (art. 31)

198. The provisions of the Constitution of Mongolia which provide its citizens with the rights to rest and leisure and to engage in cultural activities also constitute a legal guarantee for children. Mongolia has obtained a comparatively rich experience as regard to organizing activities directed to this end. Activities designed to assist children to spend their leisure time creatively have been organized every year according to the well-prepared plans at aimag, city, somon and bag levels.

199. Children's organizations have sound material bases for conducting these activities. At present, there are 18 palaces and cultural centres and 33 summer camps, and more than 10 schools specialized in foreign languages, technical know-how and environmental protection are functioning in Mongolia to help children to develop themselves. The National Centre for Children has its affiliates, like the Palace of Mongolian Children, International Children's Camp, Centre for Children's Creative Work. These establishments provide 4,000-21,000 children with different cultural, sport and art activities during their free time. About 30 per cent of secondary school pupils have been involved in these activities outside their classes.

200. We could say that before 1990 there existed a complex system of activities for children to be involved in during their leisure time. But with the political and economic reform, the change in the administrative units of Mongolia and the reorganization of public organizations, certain changes have transpired with regard to their functions, structure and activities. With privatization, many of the cultural clubs, libraries, cinema houses, sport halls and museums were closed down over the last three years; many of the establishments designed to conduct children's activities have changed their orientation. As a result, the number of children attending leisure time activities has necessarily been decreased. The decline in the number of children participating in these activities is closely linked to the introduction of fees for all these courses and activities. There is a new demand to conduct activities linked with production of marketable goods. For that end, many of the schools lack the necessary material base.

201. Tasks in the area are:

(a) To provide assistance to those organizations conducting activities directed towards leisure and cultural activities for children;

(b) To increase the resources designed for the development of children;

(c) To formulate special programmes for children in accordance with their ages and interests (for example, for preschool children to be engaged in the activities to develop the skills of speech and physical development);

(d) For teenagers to develop themselves in expressing their views and opinions and talents;

(e) For older youth, to obtain professional orientation, life management skills, etc.;

(f) To train and prepare cadres who can implement the provisions of the Convention on the development of children on a scientific basis.

C. Aims of education (art. 29)

202. The policy approved by the Minister of Education on 18 July 1991 says that education will be the priority in the development of the country, and its structure and organization and the content of the school programme will be revised in the direction of providing opportunities for children to obtain knowledge of their national tradition and values and universal civilization and to develop their personalities and talents.

203. The educational structure of Mongolia is composed of four main parts: preschool organizations, general educational primary and secondary schools, professional schools and scientific research organizations. Each of these educational organizations has its own nature. Preschool organizations cover children 3-8 years old. General education schools have the following grades: primary (6 years) 8 years, 10 years or 9 years with a goal of obtaining vocational training.

204. The main goal of the schools is to obtain basic education. The school will lay the foundations for the child to choose his/her profession and become prepared to enter adult life. Vocational training schools will, while providing the facilities for obtaining a basic education, enable children to obtain specific job-related skills. Ten-year schooling will provide an opportunity for children to further consolidate their basic education and to choose specific fields to be engaged in. The immediate task is to organize the education structure (6+2+2) and to give children a basic education.

205. The programmes of the secondary schools have been formulated on the following principles:

(a) To enrich children's knowledge of universal mankind's civilization, based on the national tradition and values;

(b) To get rid of politics and ideology permeating education;

(c) To introduce creatively the achievements of science, technology and economics;

(d) To introduce a balanced combination of theory and practice;

(e) To introduce a system well suited to the child's age requirements;

(f) To introduce advanced teaching technology;

(g) To formulate and implement a mechodology on conducting education in Mongolian national script; and

(h) To utilize extensively modern equipment and other training facilities.

206. Special attention is paid to the early development of children's talents and to organizing special schools for those talented children. Children and their parents enjoy the right to choose the school most suitable for their child.

207. The main provisions of the Convention, such as the preparation of the child to lead a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality, friendship among all peoples, respect for elder persons and for the natural environment, tradition, values, etc. have been well reflected in the school programmes. Also, children are provided with the opportunity to exercise their rights through their membership in different organizations. For example, the "My generation" organization has a call for its members:

To love their motherland and people

To learn how to conduct life

To be pure spiritually and physically

To uphold the laws of Mongolia

To keep unity with all children of the world.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency (arts. 22, 38)

208. The refugee status of the child is not a common issue in Mongolia. But the Constitution of Mongolia provides an opportunity for foreign refugees to settle down in Mongolia in accordance with the legislation of Mongolia. The law on foreign nationalities residing in Mongolia (1993) says that political asylum could be granted to those who seek it and whose aim in obtaining this status is in line with the policies pursued in Mongolia. The final decision on refugee status will be taken by the President of Mongolia.

209. Article 7 of the above law says that a minor child will be allowed to travel abroad or to immigrate only with his/her parents or guardians. When children 16-18 years old immigrate with their parents, then the written agreement of the children shall be presented. As far as documents are concerned, the child can obtain a passport for travelling in foreign countries or be included in the passport of his/her parents or guardian.

210. Article 38 of the Convention on the Rights of the Child has been well reflected in the concerned legislation of Mongolia. The minimum age for military service is fixed at 18. Anyone under the age of 18 will be exempted from military service. The common age for military service in Mongolia is 19-20 years of age.

B. Children in conflict with the law (art. 40)

211. According to Mongolian legislation, children above age 16 are liable under law for felonies. There are a number of exemptions for juveniles who have committed crimes. These depend on the nature of the crime, age of the child, etc. Also, the law stipulates that children under 18 years of age are exempt from capital punishment. The legal actions against child offenders are aimed at educating them and helping them redress their misdeeds.

212. During recent years, the number of children in conflict with the law has been increasing. It resulted from the increasing number of street children and the declining living standards. For example, there were 885 children involved in crime in 1992; the number increased to 1,247 in 1993.

Children deprived of their liberty (art. 37)

213. According to legislation, a child could be deprived of his/her liberty in the case of imprisonment, detention or arrest. All these actions shall be taken in conformity with the law and be used only as a measure of last resort and for the shortest appropriate period of time, with notification of their parents or guardians.

214. At present there is one children's prison in Mongolia. There are 84 children in it. Out of these 84 children, 11 are cases of murder, 17 are cases of rape, 50 are cases of property theft, 1 is a case of social order disruption, 4 cases of anti-court activity. Four of the 84 are children of office workers, 60 are children of workers and 20 are children of cattle-breeders. With regard to their education level, 44 have a secondary education, 38 a primary education and 2 have no education.

215. According to the regulations of the prison authorities, the children are provided with the opportunities to meet their parents and there are no fixed restrictions.

216. In 1993, the children's prison was moved to a place near to Ulaanbaatar which has enabled the children to have more opportunity for training and getting information and keeping in communication with their families. The programme of activities to be conducted among these convicted children was revised in 1993. So far, there have not been any complaints from those convicted children with regard to the violation of their rights. This may be connected to the lack of the knowledge on their rights.

217. To conduct activities among these children is also becoming difficult, with a number of factors influencing the difficulty, namely:

(a) There is no professionally trained cadre to work with these children;

(b) There is no classification of these children with regard to their age and the nature of their crimes - they stay all together. This has a very negative impact on the morale of the children;

(c) There is no scientific approach to the formulation of the programmes for these children;

(d) The financial constraints of the prison.

218. Tasks in this field are:

(a) To train cadres to work with these children;

(b) To create a humane environment;

(c) To review the education programme for these children;

(d) To train lawyers specialized in juvenile justice.

C. Exploited children (art. 32)

Economic exploitation of children (art. 32)

219. Children are protected by the Constitution of Mongolia with regard to their employment, favourable working conditions, salary, etc. This provision of the Constitution has been well reflected in related legislation. According to the Labour Code, the minimum age of employment is 16 and children of 14-15 years of age could be employed only with the permission of their parents. Employment of child labour in contravention of laws and which is harmful to his/her normal development is strictly forbidden.

220. The list of jobs prohibiting the employment of children under 18 years old has been drawn up by the Government.

221. The laws have set the limit of the working hours for children at 30 hours per week for children of 14-15 years old.

222. It is prohibited by law to exploit children. But during recent years, the incidence of exploiting children's labour is increasing in the form of low payment or absence of payment. On the other hand, because of the poverty situation in their families, children will accept any work for any payment.

223. Many of the 8th and 10th year school graduates join the line of unemployed people. But the Government is taking measures to provide jobs to those graduates first of all. Since 1992, the National Centre for Children is taking care of these unemployed children by establishing a bureau. At present, about 50,000 children graduate annually from the 8th and 10th classes. Almost half of these children become unemployed and street children. There is no guarantee for their future life.

Sexual exploitation and abuse (art. 34)

224. The Criminal Law of Mongolia says that instigation and inducement of children into prostitution is strictly prohibited. The penalty for violation will be 5 years in prison or 50,000 to 150,000 tugriks. There is an

increasing tendency in Mongolia toward prostitution since the 1990s began. By June of 1994, there were 67 police-registered prostitutes. These girls mainly belong to divorced families or are living in poverty with their stepmothers/fathers.

225. Difficulties are:

(a) Mongolia was a closed country with regard to the propagation of pornography and sexual issues. With the sudden change in social life, these things have become open without any restrictions. That has influenced a number of children to be attracted to this business;

(b) Previously, there were programmes on the natural human life for children;

(c) With the increasing number of poor families, the children are often engaged in sexual exploitation for the sake of survival;

(d) There is no unified comprehensive government policy to deal with these incidents.

226. Tasks are:

(a) To protect children from these social evils;

(b) To include in the school programme special topics on the protection of their health and the preparation for adult life;

(c) To formulate a unified policy to protect children from sexual exploitation and abuse;

(d) To organize activities to rehabilitate the children affected and to facilitate their return to normal life.

IX. CONCLUSION

227. During the last 4 years since Mongolia joined the Convention on the Rights of the Child, there have been deep political and economic changes in Mongolia. The goals of these changes are to uphold human rights and freedom, to develop political democracy, to shift to economy relations, to introduce all forms of property and to pursue an open foreign policy. These changes have been guaranteed by the new Constitution adopted in 1992. At present, Mongolia has laid down foundations for the establishment of a humane and democratic society and the people of Mongolia have confidence in their future.

228. Since 1961, when Mongolia joined the United Nations, the country has been actively engaged in its activities towards the protection of human rights. Mongolia has joined about 20 conventions dealing with human rights.

229. Article 10, paragraph 3, of the new Constitution says that "the international treaties to which Mongolia is a party, shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession." According to this provision, the Convention on

the Rights of the Child has the force of law in Mongolia. Also, the main principles of the Convention have been reflected in the health, education and labour laws of Mongolia. Since 1992, the process of changing the existing laws in line with the provisions of the Constitution has been going on. Changed socio-economic and political relations have been introduced into all spheres of life.

230. Today Mongolia is facing the same hardships which the other countries in a transition period are facing. The most difficult one is the economic crisis. Prevailing economic crises have their negative impact on the social life of Mongolia. The Government is pursuing a policy to sustain the level of development in education and health and social fields. But it faces financial constraints to implement these goals. The vulnerable sectors of the society, children and old people, are becoming victims of this difficult situation. The rate of unemployment has increased and is becoming one of the serious problems of today. The Government of Mongolia formulated a Programme on Poverty Alleviation in May 1994.

231. The number of school drop-outs is increasing, especially in rural areas, and the issues of child mortality and morbidity, as well as malnutrition of children, are also becoming a great concern of the Government.

232. With the financial constraints, child care services have been declining. In other words, Mongolia has faced a decline with regard to children's education, health and social services during these last four years as a result of the economic crisis. The problem of street children is something new in Mongolia which raises concern among the population.

233. With the emerging new circumstances, there is a need to formulate a completely fresh approach towards children based on the traditional and national values. Also, it is becoming imperative to draw the attention of the Government towards our children who are the future of this country, and to establish a new system for their development and protection of their rights, while finding a solution to their problems.

234. In this connection, the draft Law on the Protection of the Rights of the Child was formulated and is going to be presented to the State Great Khural. The parliament will discuss the draft during its autumn session. This law will codify the penalty responsibility to be faced in case of the violation of a child's rights and damages caused against the interest of the child. Also, we consider that this law will enforce the responsibilities of the State, cooperative, public, cultural organizations and the families of the children and will facilitate a new environment for the development of the child.

235. The Government of Mongolia has approved the National Programme of Action on the Development of Children in the 1990s and the implementation process is under way. This National Programme of Action deals with the ways and means to achieve the goals set forth for the best interest of the children and women of Mongolia for the coming 10 years. The ultimate goal of the Programme is to ensure children's rights. Our Government is determined to implement this Programme.

236. The implementation strategy for the National Programme is:

1. To activate political will and participation. Participation of the leaders at the highest level should be encouraged. Leaders know well that working for the welfare of children is a good policy and also it is a good economy.

2. To implement the Convention on the Rights of the Child and the National Programme of Action in close connection with the socio-economic and national development policy.

3. To support the decentralization of the implementation of the National Programme of Action.

4. To mobilize social resources and public participation.

5. To strengthen the system to monitor the implementation of the Programme and information.

6. To develop bilateral and multilateral cooperation to achieve a successful implementation of the Programme.

7. To increase the domestic resources, to explore all existing potential and to facilitate the cost recovery expenditure of external and internal financial resources. To develop economically beneficial cooperation.

8. To increase the participation of the mass media and the community in propagating and protecting child rights. Reference materials and handbooks have to be brought out in the future.

237. All the public organizations like women's, youth and others will be drawn into the activities in the implementation of the Convention, as well as the Programme of Action. The leading role will be played by the National Centre for Children. All round assistance will be provided to children in difficult circumstances, relying on the support of the local administrations, public organizations and economic entities.